



Ontario: Revised Statutes

1950

c 169 Horticultural Societies Act

Ontario

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Bibliographic Citation

Horticultural Societies Act, RSO 1950, c 169

Repository Citation

Ontario (1950) "c 169 Horticultural Societies Act," *Ontario: Revised Statutes*: Vol. 1950: Iss. 2, Article 48.

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CHAPTER 169

The Horticultural Societies Act

1. In this Act,

Interpre-
tation.

- (a) "board" means board of directors elected under this Act;
- (b) "Department" means Department of Agriculture;
- (c) "Minister" means Minister of Agriculture;
- (d) "society" means any horticultural society organized under this Act or under any former Act having a similar purpose;
- (e) "Superintendent" means Superintendent of Horticultural Societies. 1938, c. 16, s. 2.

2. The Minister may decide all matters of doubt or dispute arising in the operation or construction of this Act and his decision shall be final. 1938, c. 16, s. 3.

Minister
to decide
matters of
dispute.

3.—(1) A society may be organized in any city, town, township or village, or in a police village having a population of not less than 200, or in any two of them that adjoin each other.

Where
societies
may be
organized.

(2) In a city having a population of not less than 100,000 there may be two societies and for each additional 100,000 of population there may be an additional society. 1938, c. 16, s. 4.

Additional
societies.

4. The mode of organization of a society shall be as follows:

Mode of
organiza-
tion.

1. An agreement in the form prescribed by the Minister shall be signed by the persons who desire to organize a society and who are resident in the municipality or municipalities in which the society is to be organized.

Agreement.

2. In the case of a city having a population of not less than 30,000 the number of persons signing the agreement shall be at least 125; in the case of a city having a population of less than 30,000 the number shall be at least 100; in the case of a town having a population of not less than 2,000 the number

Signatories
to agree-
ment.

shall be at least 60; and in the case of a town having a population of less than 2,000 and a township, village or police village the number shall be at least 25; provided that for the purposes of this paragraph, where a society is to be organized in two adjoining municipalities the society shall be deemed to be in the larger of such municipalities.

Fee payable
by signa-
tores.

3. Every person who signs the agreement shall pay to the person having charge thereof the sum of \$1 and all such sums shall become the property of the society upon its organization, and where no society is organized the sums shall be repaid to the persons entitled thereto.

Organiza-
tion
meeting,
call;

4. Within two months after the date of the first signature to the agreement the agreement shall be transmitted to the Superintendent who may, with the approval of the Minister, authorize any person to call a meeting for the organization of a society.

when to be
held;

5. The organization meeting shall be held during the month of January or at such other time as the Superintendent may authorize, upon at least one week's notice published in a newspaper having a general circulation in the municipality.

quorum.

6. At the organization meeting and at every regular meeting of a society, 10 members shall constitute a quorum.

President,
vice-
presidents,
auditors,
directors.

7. At the organization meeting there shall be elected a president, a first vice-president, a second vice-president and two auditors who shall hold office until the next annual meeting, and ten directors, five of whom shall hold office until the next annual meeting and five of whom shall hold office until the next following annual meeting, provided that where any officer or director so elected has not paid the sum of \$1 as provided by paragraph 3 he shall pay such sum to the treasurer or secretary-treasurer within two weeks of the election.

Board,
composi-
tion of.

8. The board shall be composed of the president, first vice-president, second vice-president and the ten directors.

Secretary
and treas-
urer.

9. The board, from among themselves or otherwise, shall appoint a secretary and a treasurer, or a secretary-treasurer, who shall remain in office during pleasure, and the secretary or secretary-treasurer shall be a member of every committee that may be appointed by the board.

Bond to be
furnished by
treasurer.

10. The board may require the treasurer or secretary-treasurer to furnish such bond as may be deemed necessary to ensure the faithful performance of his duties and the proper administration of all funds belonging to the society coming into his hands and where no such bond is required by the board,

every member of the board shall be personally liable for all funds belonging to the society that come into the hands of the treasurer.

11. A report of the organization meeting, certified by the president, the secretary and the person calling the meeting, containing a statement of the number of members and a list of the officers and directors elected and appointed, together with their addresses, shall be sent to the Superintendent by the secretary within one week after the holding of the meeting. 1938, c. 16, s. 5. Report of organization meeting.

5. Upon the receipt of such report the Superintendent, with the approval of the Minister, may declare the society to be a society within the meaning of this Act. 1938, c. 16, s. 6. Declaration of society.

6. Subject to the approval of the Minister any two or more societies may combine to form one society on such terms and conditions as the Minister may prescribe. 1938, c. 16, s. 7. Combination of societies.

7. Upon the petition of not less than 25 members of a society the Minister may dissolve the society or may constitute two or more societies upon such terms and conditions as he may deem proper. 1938, c. 16, s. 8. Dissolution of society upon petition.

8.—(1) Every person of the full age of 16 years or over shall be entitled to membership in a society. Persons entitled to membership.

(2) Subject to the by-laws and regulations of a society, a partnership or incorporated company may become a member thereof upon payment of the prescribed fee, but in every such case the partnership or company shall delegate one person to exercise the privileges of membership in the society. Partnership or company may be member.

(3) In every society there shall be an annual membership fee of not less than 50 cents. Membership fee.

(4) The fiscal year of every society shall be the calendar year unless the Minister otherwise authorizes. Fiscal year.

(5) Every member in good standing of a society shall be entitled to vote on all questions coming before a regular or special meeting of the society. 1938, c. 16, s. 9. Voting of members.

9.—(1) The object of a society shall be to encourage interest and improvement in horticulture, Objects.

(a) by holding meetings for instruction and discussion on subjects connected with the theory and practice of horticulture;

- (b) by encouraging the improvement of home and public grounds by the planting of trees, shrubs and flowers, and by otherwise promoting out-door art and public beautification;
- (c) by interesting juveniles and others in the study of horticulture by the holding of contests and competitions and by such other means as may be considered proper;
- (d) by holding exhibitions and awarding premiums for the production of vegetables, plants, flowers, fruits, trees and shrubs;
- (e) by the distribution of seeds, plants, bulbs, flowers, trees and shrubs in ways calculated to create an interest in horticulture; and
- (f) by promoting the circulation of horticultural periodicals.

Expenditure
of annual
receipts.

(2) A society shall not expend more than one-half of its total annual receipts, other than grants or donations made for specific purposes, upon any one of the projects enumerated in subsection 1, except for the purposes of planting trees, shrubs and plants on public grounds and the promotion of out-door art and public beautification.

Expenditure
of funds.

(3) None of the funds of a society shall be expended for any purpose not indicated in subsection 1, and a society that violates any of the provisions of this section shall not be entitled to the Government grant for the year in which the violation occurs, or where the grant for such year has already been paid, for the next following year, subject however to any direction that the Minister may make. 1938, c. 16, s. 10.

Annual
meeting;

10.—(1) Every society shall hold a meeting annually during the month of January or such other month as the Superintendent may approve at such time and place as the board may determine.

notice;

(2) At least one week's notice of every annual meeting shall be given by the publication of a notice of the meeting in a newspaper having a general circulation in the municipality or by mailing a notice of the meeting to each member of the society at the address furnished to the secretary. 1938, c. 16, s. 11.

Procedure.

11. At every annual meeting the board shall present a report of the activities and accomplishments of the society

during the preceding year and the financial statement for the preceding year certified by the auditors on the form prescribed by the Minister, and the officers and other members of the board shall be elected and appointed in the manner provided by section 4, provided that five directors shall be elected at each annual meeting. 1938, c. 16, s. 12.

12.—(1) In the event of failure to hold the annual meeting Dissolution. in accordance with this Act or in the event of the number of members of a society on the 1st day of July in any year being less than the number required for organization, the society shall not be entitled to receive any further Government grant and shall be deemed to be dissolved, subject always to any direction of the Minister, provided that the persons comprising the board during the last year of the existence of the society shall be trustees of the assets of the society and shall deliver to the Superintendent a statement of its assets and liabilities.

(2) The Superintendent may direct the members of the board to pay the debts of the society out of the moneys and other assets remaining in their hands and liquidate any of the assets for such purpose and may direct such members to dispose of any moneys or other assets then remaining in such manner as he may determine. 1938, c. 16, s. 13. Payment of debts and disposal of surplus moneys.

13.—(1) A statement of officers and members and a copy of the financial statement in the form prescribed by the Minister and certified by the president, secretary-treasurer, or secretary and treasurer, and auditors to be true copies shall be forwarded to the Minister within two weeks of the holding of the annual meeting. Statement to be sent to Minister.

(2) The Minister may at any time require a society or any officer of a society to furnish such information regarding the society as he may deem necessary or desirable. Minister may require information.

(3) The Minister may require any financial or other statement or information required to be furnished to him to be accompanied by an affidavit of all or any of the officers of the society deposing to its accuracy. 1938, c. 16, s. 14. Minister may require affidavit certifying.

14. A meeting of the board shall be called by the secretary upon the direction of the president or of any three members of the board by sending notice thereof to all the members of the board at least three days before the time fixed for the meeting; provided that a meeting of the board may be held immediately following any annual, regular or special meeting of the society, without notice. 1938, c. 16, s. 15. Meetings of board.

Powers
of board;

15.—(1) Subject to the by-laws and regulations of the society, the board shall have power to act for and on behalf of the society in all matters.

quorum;

(2) Five of the members of the board shall constitute a quorum.

vacancies.

(3) When a vacancy occurs on the board by reason of the death or resignation of any officer or director or otherwise, the remaining members of the board may appoint any member of the society to fill the vacancy. 1938, c. 16, s. 16.

Meetings.

16. The board may determine what regular and special meetings of the society shall be held during each year. 1938, c. 16, s. 17.

By-laws and
regulations.

17. By-laws and regulations of a society may be made, adopted, amended or repealed at any annual or regular meeting of the society or at a special meeting of which at least one week's notice has been given in the manner provided for by subsection 2 of section 10. 1938, c. 16, s. 18.

Provincial
grants.

18. Every society that has complied with this Act and has furnished the statements and other information required by the Minister shall be entitled to receive a grant out of the moneys appropriated by the Legislature for such purpose, providing the membership of the society is not less than that required for organization purposes. 1938, c. 16, s. 19.

Idem.

19. Such amount as may be appropriated by the Legislature for the purposes of this Act shall be subject to division among the societies according to the following plan:

- (a) Every society shall, during the first year of its existence, receive a grant at the rate of 50 cents for every paid-up member as of the 1st day of July, provided that no such grant shall exceed \$75;
- (b) The balance of such amount shall be subject to division among the remaining societies as follows:
 - (i) one-third among the societies in proportion to the total number of members of each society in the preceding year,
 - (ii) two-thirds among the societies in proportion to the total amount expended by each society during the preceding year for horticultural purposes, in accordance with section 9;

provided that no society shall in any year be entitled to a grant in excess of three and one-half per cent of the amount appropriated for the purposes of this Act for such year nor shall any society be entitled to a grant in excess of \$500 in any year. 1938, c. 16, s. 20.

20. The council of any city, town, village, county or township may grant money to any society organized wholly or partly within its limits. 1938, c. 16, s. 21.

21. The Minister may appoint a person to inspect the books and accounts of any society and may empower the person to summon witnesses and enforce the production of documents before him and to take evidence upon oath in regard to such inspection, and every officer of a society shall, when requested, submit the books and accounts thereof to such inspection. 1938, c. 16, s. 22.

22. Where the board has reason to believe that any member or other person exhibiting any product at any exhibition at which prizes are offered by the society has committed a fraud in respect of the product, the board may withhold payment or delivery of any prize money or other prize award to the person until the person proves to the satisfaction of the board that no fraud has in fact been committed. 1938, c. 16, s. 23.

